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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LAW OFFICES OF JOSEPH R. BURWELL  
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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/14/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/282,692

Applicant(s)

LITA, CHRISTIAN

Examiner

Thu Ha T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims **1-22** are presented for examination.

#### Response to Arguments

2. Applicant argues that cited prior arts do not teach the claimed invention.

Applicant's arguments have been fully considered but they are not persuasive because of the following reasons:

3. Applicant argues **Cherkasova** does not teach or suggest the step of in response to a connection request from a given client machine that initiates a session, associating a session identifier with a given server in the pool. In response to Applicant's argument, examiner asserts that **Cherkasova** does teach the step of in response to a connection request from a given client machine that initiates a session, associating a session identifier with a given server in the pool as shown in figures 1, 3, col. 4 lines 15-35. Receiving a request message from client, the admission controller compares and matches the session identifier that associates with target server in the transaction list.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., coordinated session management between the admission controller, e.g., as embedded in a gateway or a proxy server in front of a set of servers, and the set of servers) are not recited in the rejected claim(s). Although the claims are interpreted in

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light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that **Cherkasova** does not teach or suggest the generation of virtual URL. In response to Applicant's argument, Examiner asserts that **Cherkasova** does teach the generation of virtual URL as shown in col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17.

Applicant argues that **Cherkasova** does not disclose associating a user session originating from a client machine with a given server in the pool in accordance with a load balancing protocol. In response to Applicant's argument, Examiner asserts that **Cherkasova** does teach associating a user session originating from a client machine with a given server in the pool in accordance with a load balancing protocol as shown in figures 1, 3, col. 4 lines 15-35.

4. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 9, 15, 18 and 21-22. Claims 2-8, 10-14, 16-17, and 19-20 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper no. 15]. Accordingly, claims 1-22 are rejected.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Cherkasova** U.S. Patent No. **6,360,270**.

7. As to claim 1, **Cherkasova** teaches the invention as claimed, including a method for managing connection requests to a pool of servers identified by a given URL, comprising the steps of:

in response to a connection request from a given client machine that initiates a session, associating a session identifier with a given server in the pool (figures 1, 3, col. 4 lines 15-35);

using the session identifier in a redirection response (col. 4 lines 50-col. 5 lines 8, col. 6 lines 1-8);

returning the redirection response to the given client to redirect the connection request to the given server (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17); and

during the session, receiving at the given server any additional connection requests from the given client machine (abstract, col. 5 lines 40-57).

8. As to claim 2, **Cherkasova** teaches the invention as claimed, wherein the step of using the session identifier includes generating a virtual URL (col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).

9. As to claim 3, **Cherkasova** teaches the invention as claimed, wherein the virtual URL comprises a URL in the connection request modified to include the session identifier (col. 5 lines 65-col. 6 lines 8).

10. As to claim 4, **Cherkasova** teaches the invention as claimed, wherein the session identifier is incorporated in data returned from the given server to the client machine (col. 6 lines 2-8).

11. As to claim 5, **Cherkasova** teaches the invention as claimed, further including the step of: in response to a connection request from the given client machine that terminates the session, inactivating the session identifier (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission

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controller checks the session identifier and accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

12. As to claim 6, **Cherkasova** teaches the invention as claimed, wherein the given client machine include a browser (figure 3).

13. As to claim 7, **Cherkasova** teaches the invention as claimed, wherein each of the servers in the pool supports a similar set of objects (col. 4 lines 50-58).

14. As to claim 8, **Cherkasova** teaches the invention as claimed, wherein the session identifier is associated with a given server as a function of a load balancing protocol (col. 3 lines 60-col. 4 lines 21).

15. As to claim 9, **Cherkasova** teaches the invention as claimed, including a method for managing connection requests to a pool of servers, comprising the steps of:  
responsive to a connection request from a client machine to initiate a user session, associating a user session originating from a client machine with a given server in the pool in accordance with a load balancing protocol (figures 1, 3, col. 4 lines 15-35);  
returning a redirection response to the client machine for the connection request (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17); and

during the user session, receiving at the given server any additional connection requests originating from the client machine (abstract, col. 5 lines 40-57). It is inherent that admission controller 14, figure 1, does the load balancing job between client and server so as it is clearly use load balancing protocol to communicate between client and server.

16. As to claim 10, **Cherkasova** teaches the invention as claimed, wherein the associating step comprises: generating a virtual URL by modifying a given URL to include a session identifier; using the virtual URL to redirect the connection request to the given server (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).

17. As to claim 11, **Cherkasova** teaches the invention as claimed, further including the step of inactivating the virtual URL upon completion of the user session (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission controller checks the session identifier and accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

18. As to claim 12, **Cherkasova** teaches the invention as claimed, wherein all data returned from given server to the client machine includes the session identifier (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).



19. As to claim 13, **Cherkasova** teaches the invention as claimed, wherein each of the servers in the pool supports a similar set of given objects (col. 4 lines 50-58, col. 9 lines 44-col. 10 lines 37).

20. As to claim 14, **Cherkasova** teaches the invention as claimed, wherein each client machine include a Web browser (figure 3).

21. As to claim 15, **Cherkasova** teaches the invention as claimed, including a computer program product in a computer-readable medium for managing connection requests to a pool of servers, comprising the steps of:

means, responsive to a connection request from a client machine to initiate a user session, for associating a user session originating from a client machine with a given server in the pool in accordance with a load balancing protocol (figures 1, 3, col. 4 lines 15-35);

means for returning a redirection response to the client machine for the connection request (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17); and

means operative during the user session for receiving at the given server any additional connection requests originating from the client machine (abstract, col. 5 lines 40-57). It is inherent that admission controller 14, figure 1, does the load balancing job

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between client and server so as it is clearly use load balancing protocol to communicate between client and server.

22. As to claim 16, **Cherkasova** teaches the invention as claimed, wherein the associating means comprises: means for generating a virtual URL by modifying a given URL to include a session identifier; means for redirecting a given connection request to the given server using the virtual URL (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).

23. As to claim 17, **Cherkasova** teaches the invention as claimed, further including: means for inactivating the virtual URL upon completion of the user session (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission controller checks the session identifier and accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

24. As to claim 18, **Cherkasova** teaches the invention as claimed, including a server for managing a pool of servers at a Web site identified by a given URL, comprising:

a processor (col. 3 lines 54-59);

an operating system (figures 1, 3, col. 9 lines 53-64);

a load balancing routine (figures 1, 3); and

a redirector routine for managing HTTP connection requests to the Web site, comprising: means responsive to a connection request from a client machine to initiate a user session for associating a user session originating from a client machine with a given server in the pool in accordance with the load balancing routine (figures 1, 3, col. 4 lines 15-35); means for returning a redirection response to the client machine for the connection request (col. 4 lines 50-col. 5 lines 8, col. 5 lines 57-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17); and means operative during the user session for redirecting to the given server any additional connection requests originating from the client machine (abstract, col. 5 lines 40-57). It is inherent that admission controller 14, figure 1, does the load balancing job between client and server so as it is clearly use load balancing routine to communicate between client and server.

25. As to claim 19, **Cherkasova** teaches the invention as claimed, wherein the means for associating comprises: means for generating a virtual URL by modifying a given URL to include a session identifier; means for redirecting a given connection request to the given server using the virtual URL (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).

26. As to claim 20, **Cherkasova** teaches the invention as claimed, wherein the redirector further includes: means for inactivating the virtual URL upon completion of the user session (figure 2, col. 5 lines 9-col. 6 lines 9). Every time the client sends a new request message then admission controller checks the session identifier and

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accepts the activation. It is inherent that the virtual URL or session identifier inactivates when user session is completed or not in the connection session.

27. As to claim 21, **Cherkasova** teaches the invention as claimed, including a method of managing a pool of servers at a Web site identified by a given URL, comprising the steps of:

responsive to a connection request from a client machine to initiate a user session, associating a user session originating from a client machine with a server in the pool of servers in order to distribute user sessions across the pool of servers in accordance with a load balancing protocol (figures 1, 3, col. 4 lines 15-35); and

returning a redirection response to a given client machine for the connection request (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17); and

during a given user session initiated from the given client machine, serving content to the given client machine only from its associated server (abstract, col. 5 lines 40-57). It is inherent that admission controller 14, figure 1, does the load balancing job between client and server so as it is clearly use load balancing protocol to communicate between client and server.

28. As to claim 22, **Cherkasova** teaches the invention as claimed, including a method of managing a pool of servers at a Web site identified by a given URL, comprising the steps of:

in response to a connection request containing the given URL from a given client machine that initiates a session, associating a session identifier with a given server in the pool of servers (figures 1, 3, col. 4 lines 15-35);

generating a virtual URL by modifying the given URL from the connection request to include the session identifier; generating a redirection response comprising the virtual URL (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17); and

sending the redirection response to the given client machine to redirect the connection request to the given server (col. 4 lines 50-67, col. 5 lines 65-col. 6 lines 8, col. 9 lines 44-col. 10 lines 17).

### **Conclusion**

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SPE Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240 for regular communications and 703-746-7238 for After Final communications.

Thu Ha Nguyen

July 9, 2003

  
HOSAIN T. ALAM  
PRIMARY EXAMINER